

Barrow Local Plan Examination

Hearing Statement

Matter 2: Development Strategy

Issue 2a: Overall Development Strategy

Questions 1 and 2

Prepared for
Associated British Ports

May 2018

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1 Introduction

- 1.1 BNP Paribas Real Estate has been instructed by Associated British Ports (ABP), to prepare a hearing statement in response to Issue 2a (Overall Development Strategy) for the Barrow Local Plan Examination. The response relates to ABP's ownership at the Port of Barrow, which comprises a number of Docks, as well as adjoining port land and facilities, extending to circa 138 acres (56 ha) in total, excluding the water area.
- 1.2 This statement should be read alongside ABP's representations submitted as part of the statutory consultation on the Local Plan, specifically those submitted in:
- October 2016 in response to the Publication Draft;
 - July 2017 in response to the Pre-Submission Draft Local Plan – see Appendix i; and
 - January 2018 in relation to the Submission Draft Local Plan Consultation on the Proposed Major Modifications – see Appendix ii.
- 1.3 ABP is the UK's largest and leading port operator, helping to drive the vital contribution that ports make to our economy. Ove Arup and Partners' January 2014 report titled "*The Economic Value of ABP to UK plc*", identifies a number of key findings in relation to ABP's 21 ports across the UK, including the Port of Barrow. These findings include the following:
- ABP contributed circa £5.6 billion in Gross Value Added (GVA) to UK plc in 2012, including approximately £510m at its North West ports at Barrow, Garston, Fleetwood and Silloth.
 - ABP creates and supports circa 84,000 private sector jobs, including over 7,600 at its North West ports
- 1.4 Details on current occupation and operations at the Port of Barrow are set out on page 5 of ABP's previous representations submitted to the Pre-Submission Draft Barrow Local Plan in July 2017 (see Appendix i).
- 1.5 The context in which ABP's response is made is set out in more detail in ABP's July 2017 representations but, in brief, relates to the fundamental importance of the Port of Barrow to the local and wider regional economies. More specifically, the Port of Barrow plays a vital role in terms of job creation, economic investment generation and its function as multi modal transport hub which should be recognised and supported in the Barrow Local Plan.

2 Policy

- 2.1 Together the following policy documents provide clear and strong support for ABP's proposed future development of the Port of Barrow as summarised below.

National Policy Statement for Ports (NPSP)

- 2.2 As set out in more detail on page 4 of ABP's July 2017 representations (see Appendix i), the NPSP recognises and supports the vital role the UK's ports play in local, regional and the national economies, as well as the "compelling need for substantial additional port capacity over the next 20–30 years".
- 2.3 Furthermore, the NPSP is clear in its support for "judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment".
- 2.4 Paragraph 3.4.10 of the NPSP notes "*that demand for port capacity to service manufacture, operation and maintenance of offshore windfarms will be substantial, especially in the short term in support of the 'Round 3' offshore developments*". It also recognises that due to "*the Government's renewables targets and in light of the policies set out in the Renewable Energy NPS (EN-3), there is a strong public interest in enabling ports to service these developments*". The potential benefits stated include "*social and economic advantages from attracting business to the UK that would otherwise locate abroad, as well as avoiding transport by road of abnormal loads*".

National Planning Policy Framework (NPPF)

- 2.5 Important provisions from the NPPF (2012) are set out set out in more detail on pages 4 and 5 of ABP's July 2017 representations (see Appendix i). These include requirements for local planning authorities to identify UK ports, as well as protect and support their future growth (paragraphs 30, 33, 35 and 41), as well as the following paragraphs:
- i. 17 (bullet points 1 and 3), which state planning "*should be genuinely plan-led*" and "*proactively drive and support sustainable economic development*", with every effort "*made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth*".

- ii. 153, which requires each local planning authority to produce a Local Plan, which *“can be reviewed in whole or in part to respond flexibly to changing circumstances”*, with additional development plan documents only to *“be used where clearly justified”*.
- iii. 154, which requires Local Plans to *“set out the opportunities for development and clear policies on what will or will not be permitted and where”*.
- iv. 158, which requires *“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area”*, including taking *“full account of relevant market and economic signals”*.

3 Response and Requested Changes

- 3.1 Questions 1 and 2 relate to the how the draft Local Plan proposes to deal with future development at the Port of Barrow and are reproduced below.

QUESTION 1

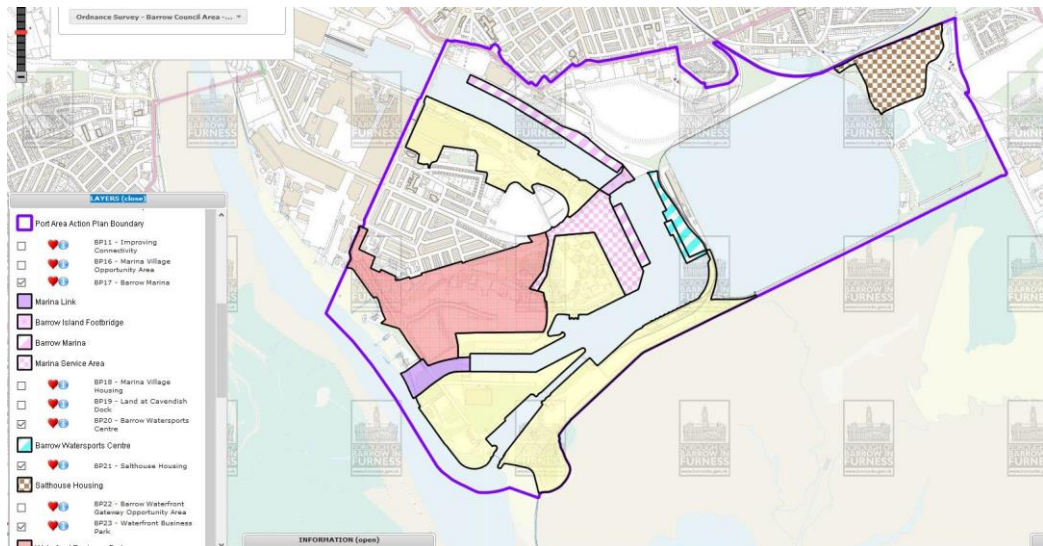
“The Barrow Port Area Action Plan (BPAAP) was adopted by the Council in 2010 prior to publication of the NPPF and the National Policy Statement for Ports in 2012. The BPAAP forms part of the Development Plan and will remain part of the Development Plan in the event that the BBLP is found sound and proceeds to adoption. The BBLP does not identify the Port of Barrow on the Policies Map and does not have any policies in relation to the Port. Is the BBLP effective in terms of supporting the future growth of the Port by relying entirely upon the BPAAP? Should the Port of Barrow be identified on the Policies Map together with a policy?”

QUESTION 2

“Is policy EC1 positively prepared and effective? Would it support proposals for the port and port related uses? What about those parts of the Port estate (including the Walney Channel) not allocated in the BPAAP?”

- 3.2 ABP’s previous representations objected to the Draft Barrow Local Plan on the basis it was **unsound** as it did not identify the boundary of the Port of Barrow on the Proposals Map and a policy linked to this which supports its continued operation and future growth. The reasons for this are set out in more detail in ABP’s July 2017 representations (see Appendix i) and summarised on pages 3 and 4 of ABP’s January 2018 representations (see Appendix ii).
- 3.3 A key point to note from these in response to questions 1 and 2, is the fact the draft Local Plan is seeking to rely on the Barrow Port Area Action Plan (AAP), rather than identify the Port of Barrow on the Policies Map and include a policy linked to this which supports its continued operation and future growth. Of particular concern is that, adopted in 2010, the Barrow Port AAP is now out of date and inaccurate in many respects, with particular points to note including:
- i. The fact it was produced prior to the publication of the NPPF and the NPSP in 2012 meaning it does not reflect many of the policies within these documents, which provide clear and strong support for future development of the Port of Barrow (see Section 2).

- ii. The current identification of the Port of Barrow, in particular, in the Barrow Port AAP (see yellow shading on the Council's online Proposals Map extract below) is inaccurate as it does not include all of ABP's port estate (as edged red on the plan at Appendix iii), meaning that proposals for future port and port related development on these areas would not be supported by the Barrow Port AAP or the Barrow Local Plan.



- iii. The Council's option agreement with ABP which would have facilitated the development of the Marina Link (see purple shading on the Council's online Proposals Map extract below) expired in 2010 and the scheme has not been brought forward in the 8 years since the Barrow AAP was adopted, illustrating that this is unlikely to be deliverable in the short to medium term.
- iv. Policy EC1 of the Submission Draft Barrow Local Plan and Policy BP8 (Economic Viability of Port Operations) of the Barrow Port AAP, which would be used to determine applications for planning permission if the Submission Draft Barrow Local Plan is adopted as currently drafted, are deficient as, amongst other things, they would not support proposals for port and port related uses which are either:
- Not linked to the 'Energy Coast' – albeit ABP welcomes the support for development linked to the 'Energy Coast' at the Port of Barrow in Policy EC1; or
 - Located on those parts of ABP's port estate which are not allocated in the Barrow Port AAP – a particular issue given this includes the land fronting the Walney Channel which will be vital to the future development of the Port due to its direct deep water access.

- 3.4 It should also be noted that in the circa 8 years since the Barrow Port AAP was adopted there have been a number of new developments at the Port of Barrow. These recent developments have been primarily linked to the large number of offshore wind farms that have been, and are proposed to be, developed in the Irish Sea, including Operations and Maintenance bases and Construction and Storage bases at the Port of Barrow.
- 3.5 It is clear from the above that the Port of Barrow has become a strategically important location in terms of facilitating the construction of the offshore wind farms in the Irish Sea, as well as for the on-going operations and maintenance of these wind farms. The Port of Barrow also supports BAE Systems on-going Astute and Dreadnought Nuclear submarine programme and is anticipated to play an important role in facilitating a number of other projects, including the proposed Moorside Nuclear Power Station and Drigg Low Level Waste Repository.
- 3.6 As a consequence, demand for land at the Port of Barrow is significantly greater than when the Barrow Port AAP was adopted in 2010, and is anticipated to continue to increase going forward. Demand is particularly strong where this has direct deep water access to the Walney Channel due to the 24/7 access provided to the Irish Sea. This is important for Operations and Maintenance bases in order to facilitate the unrestricted access necessary for the emergency repair and regular maintenance work required in connection with the off shore wind farms.
- 3.7 Furthermore, as set out in more detail in Section 2, the NPSP notes the substantial demand for *“for port capacity to service manufacture, operation and maintenance of offshore windfarms”*. It also recognises *“there is a strong public interest in enabling ports to service these developments”*.
- 3.8 The NPSP is also clear in its support for *“judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment”*. It is important therefore that Barrow Local Plan positively plans for and supports future development at the Port of Barrow in line with market demand guided by ABP and its tenants.
- 3.9 Notwithstanding this, for the reasons set out at 3.7 above, the draft Local Plan (including Policy EC1) and Barrow Port AAP would not support proposals for port and port related uses on the majority of ABP’s remaining undeveloped port estate fronting the Walney Channel, as it is not allocated for port related use and development, with part allocated as a proposed Marina Link.

- 3.10 The development of port and port related uses on other areas of the Port of Barrow, which are excluded from the '*Land Retained for Port Related Use and Development*' allocation in the Barrow AAP (see yellow shading on the Council's online Proposals Map extract under 3.3 ii above), would also not be supported by the draft Local Plan (including Policy EC1) and Barrow Port AAP. These include the following areas of ABP's port estate which are included within the red line on the plan at Appendix iii:
- ABP's land adjoining Cavendish Dock;
 - Parts of the gas condensate storage facility which are currently excluded from the allocation.
 - The areas of water within Buccleuch Dock, Cavendish Dock, Devonshire Dock and Ramsden Dock
- 3.11 ABP is in discussions with a number of potential tenants looking to develop facilities at the Port of Barrow, including on the remaining undeveloped land fronting the Walney Channel. This further illustrates the deficiencies of the Barrow Local Plan in that it would **not** support this development, notwithstanding it being in accordance with the NPSP.
- 3.12 In summary of the above, the Port of Barrow has changed considerably since 2010. Furthermore, given fundamental importance of the Port of Barrow to the local and wider regional economies, as well as the deficiencies and inaccuracies of the Barrow Port AAP outlined above, the Port should be identified on the Proposals Map and then include a policy linked to this which supports its continued operation and future growth. This will ensure the Local Plan is in accordance with the NPSP and NPPF, including paragraphs 17 (bullet points 1 and 3), which state planning "should be genuinely plan-led" and 154 which makes it clear, amongst other things, that Local Plans should: "*set out opportunities for development and clear policies on what will or will not be permitted and where*".
- 3.13 The identification of the boundary of the Port of Barrow would merely be reflecting ABP's existing port estate. Furthermore, provided this is linked to an appropriately worded policy which includes necessary caveats / safeguards to control future development, there appears to be no reason why these changes could not easily be made prior to the adoption of Local Plan without causing any significant delay.
- 3.14 Without these changes, and having reference to paragraph 182 of the NPPF, as currently drafted the Barrow Local Plan (including Policy EC1), is considered to be **unsound** as it is **not**:
- **Positively prepared** – as it does not meet objectively assessed development and infrastructure requirements of the Port of Barrow.

- **Effective** – as it is not deliverable over its period in so far as it is relying on subsequent review of the Barrow Port AAP to address the strategic development needs of the Port of Barrow; or
- **Consistent with national policy** – as it is relying on the Barrow Port AAP to guide future development at the Port of Barrow, with the AAP adopted prior to the publication of the NPPF and NPSP and therefore not consistent with a number of the policies within these documents (see Section 2).

Summary of Requested Changes

- 3.15 In order to be sound the Barrow Local Plan must identify the correct boundary of the Port of Barrow on the Proposals Map as 'Port Area' or similar. The Local Plan should also include a policy linked to this identification of the Port of Barrow which supports its current and future use and development for port and port related purposes, including such uses relating to energy and related activities.
- 3.16 In respect of the identification of the correct boundary of the Port of Barrow on the Proposals Map, this is shown edged red on the plan at Appendix iii, being a large part of ABP's port estate. This comprises the area currently allocated as 'Land Retained for Port Related Use and Development' in the Barrow Port AAP and the areas of ABP's port estate at Barrow which were incorrectly excluded from this area. However, the proposed boundary excludes ABP's land edged green on the plan at Appendix iii which is subject to a long lease to BAE Systems for Devonshire Dock Hall and Shiplift in order to create a logical 'Port Area' boundary.
- 3.17 Linked to this identification of the correct boundary of the Port of Barrow, and for the reasons set out above, ABP's land to the north east of Cavendish Dock – which is included within the red line boundary shown on the plan at Appendix iii – should be excluded from the proposed Salthouse Mills Opportunity Area (ref. OPP3) identified on the Barrow Local Plan Proposal Maps. In support of this requested change, it should be noted that ABP's land to the north east of Cavendish Dock is excluded from the Salthouse Mills Housing allocation shown on the current adopted Barrow Port AAP Proposals Map.
- 3.18 Turning to the policy linked to the identification of the boundary of the Port of Barrow on the Proposals Map, ABP's suggested wording is again set out below:

“Within the Port Area identified on the Proposals Map, development proposals for port and port related use, including those linked to the 'Energy Coast', will be supported and where appropriate approved by the Council if the submitted scheme accords with other relevant policies in the Local Plan, and can pass the tests of the Habitat Regulations. Areas that benefit from existing or potential access from deep water will be protected for port and port related uses.”

Any proposals for new development on land in close proximity to the Port Area will be required to fully assess the potential impact on the Port of the proposed use and where necessary, provide mitigation as part of the new development.”

Appendix i July 2017 Representations



Representation Form

Part A

For office use only		
Consultee Ref:		Date Received
Representation Ref:		

Barrow Borough Council

Regulation 19 Consultation: Pre-Submission Draft Local Plan

The consultation period on the Pre-Submission Draft Local Plan will run from **Friday 26th May 2017 to 5pm on Friday 7th July 2017**. The document and more information on the consultation can be viewed on our website <http://www.barrowbc.gov.uk/residents/planning/planning-policy/>

How to use this form

1. Please complete Part A in full.
2. Then complete Part B for **each representation** that you wish to make.

Personal Details

Person(s) or organisation submitting comments	
Name	
Organisation (if applicable)	Associated British Ports
Address	Port Office
	Ramsden Dock Road
	Barrow-in-Furness
	LA14 2TW
Tel. No.	
Email	

Agent (if applicable)	
Name	Alex Willis
Organisation	BNP Paribas Real Estate
Address	Fountain Precinct
	Balm Green
	Sheffield
	S1 2JA
Tel. No.	0114 263 9210
Email	alex.willis@bnpparibas.com

In order to be valid you must complete both Part A and Part B of the representation form and return them to the Planning Policy Team via email or post.

- E-mail: developmentplans@barrowbc.gov.uk
- Post to: Planning Policy, Barrow Borough Council, Town Hall, Duke Street, Barrow-in-Furness, Cumbria, LA14 2LD

Please note that representations cannot be kept confidential but all responses will be held by the Council in accordance with the Data Protection Act 1998. All representations received and any information provided will be open to public scrutiny including publication on the Council's website.

Personal information (such as your address or email address) will remain confidential. However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process. By submitting this form you are agreeing to the above.

Signature	ALEX WILLIS	Date	7 July 2017
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For further information regarding the Pre-Submission Draft Local Plan consultation process, please contact 01229 876341.



Representation Form

Part B

For office use only		
Consultee Ref:		Date Received
Representation Ref:		

Barrow Borough Council

Regulation 19 Consultation: Pre-Submission Draft Local Plan

Please **use a separate Part B form for each representation**. Representations must be attached to Part A of the representation form. Please note that we cannot accept anonymous responses.

Please print your name on each separate Part B representation.

Name (Print)	Alex Willis
Organisation	BNP Paribas Real Estate
Date	7 July 2017

1. To which part of the Local Plan does this representation relate?

Please state clearly which policy, paragraph or table/figure.

Policy	EC1 and Policies Map
Paragraph	2.4.32, 3.3.10-3.3.13, 4.7.1, 5.5.1, 6.1.14-6.1.21, 6.3.8-6.3.11, 6.2.13, 6.2.14 6.4.1 & 6.4.2
Table/Figure	

Before continuing please refer to the guidance notes for further explanation regarding Legal Compliance and Soundness

2. Do you consider the Local Plan to be legally compliant?

Legally compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Do you consider the Local Plan to be sound or sound with minor amendments?

Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Sound with minor amendments?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

If you have selected 'Yes' to either of the above then please skip question 4 and continue to question 5.

4. If you consider the Plan is unsound, on which grounds do you consider the document to be unsound?

Please select as many as you consider apply.

Positively Prepared	<input checked="" type="checkbox"/>
Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>
Consistent with national policy	<input checked="" type="checkbox"/>

5. Please provide details of why you consider the Local Plan is not legally compliant or is unsound. Also if you wish to support the legal compliance or soundness of the plan, please also use this box to set out your comments.

Please be as precise as possible.

Background

The vital role the UK's ports play in local, regional and the national economies is recognised and supported in national policy. More specifically, the National Policy Statement for Ports (NPSP), published in 2012 (circa 2 years after the adoption of the Barrow Port AAP), recognises the *"essential role of ports in the UK economy"*, particularly in terms of freight and bulk movements, energy supplies and tourism and leisure, as well as the wider economic benefits associated with these. The NPSP also provides at paragraph 3.3.1 the Government's policy for ports, including to: *"...allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment"*.

Pursuant to this, the NPSP highlights that in considering the need for port developments, one factor to consider is the need to ensure that these developments are in the right location. More specifically, paragraph 3.4.12 states *"Port development must be responsive to changing commercial demands, and the Government considers that the market is the best mechanism for getting this right, with developers bringing forward applications for port developments where they consider them to be commercially viable."*

Furthermore, Paragraph 3.4.16 of the NPSP sets out the Government's belief that *"there is a compelling need for substantial additional port capacity over the next 20–30 years, to be met by a combination of development already consented and development for which applications have yet to be received."* The Government also acknowledges at paragraph 3.5.1 that this need for future capacity relates to the requirement to ensure the following:

- *"cater for long-term forecast growth in volumes of imports and exports by sea for all commodities indicated by the demand forecast figures set out in the MDST forecasting report accepted by Government, taking into account capacity already consented. The Government expects that ultimately all of the demand forecast in the 2006 ports policy review is likely to arise, though, in the light of the recession that began in 2008, not necessarily by 2030;*
- *support the development of offshore sources of renewable energy;*
- *offer a sufficiently wide range of facilities at a variety of locations to match existing and expected trade, ship call and inland distribution patterns and to facilitate and encourage coastal shipping;*
- *ensure effective competition among ports and provide resilience in the national infrastructure; and*
- *take full account of both the potential contribution port developments might make to regional and local economies."*

In addition, important provisions from the National Planning Policy Framework (NPPF) (2012) relating to the country's ports include the following paragraphs:

- i. 30, which requires local planning authorities to *"facilitate the use of sustainable modes of transport"* when preparing their Local Plans, by supporting, amongst other things, ports.
- ii. 33, which notes local authorities' plans should take account of the growth of ports and their role in serving the needs of business.
- iii. 35, which requires plans to *"protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people"* and paragraph 41, which requires local planning authorities to identify and protect sites *"which could be critical in developing infrastructure to widen transport choice"*, and therefore including ports.
- iv. 41, which requires local planning authorities to identify and protect *"sites and routes which could be critical in developing infrastructure to widen transport choice"*.
- v. 153, which requires each local planning authority to produce a Local Plan, which *"can be reviewed in whole or in part to respond flexibly to changing circumstances"*, with additional development plan documents only to *"be used where clearly justified"*.
- vi. 154, which requires Local Plans to *"set out the opportunities for development and clear policies on what will or will not be permitted and where"*

- vii. 157, which requires Local Plans to “*plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework*”.
- viii. 158, which requires Local Plans to be “*based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area*”, including taking “*full account of relevant market and economic signals*”.

ABP is the UK’s largest and leading port operator, helping to drive the vital contribution that ports make to our economy. A Report by Ove Arup and Partners for ABP titled “*The Economic Value of ABP in the Humber*” and published in November 2013, identifies a number of key findings in relation to ABP’s 21 ports across the UK, including the Port of Barrow. These findings include the following:

- ABP contributed circa £5.6 billion in Gross Value Added (GVA) to UK plc in 2012, including approximately £510m at its North West ports at Barrow, Garston, Fleetwood and Silloth.
- ABP creates and supports circa 84,000 private sector jobs, including over 7,600 at its North West ports.
- The estimated economic value of ABP’s planned investment at its UK ports from 2013 – 2017 is in order of £1.75 billion in GVA to the UK economy, including circa £20m at ABP’s North West ports

ABP also plays a vital role in facilitating modal shift, with 25% of the volume of all UK seaborne import / export trade passes through ABP ports, with around half of all freight carried by rail in the UK moving to and from the ports. In addition, every year around 30 million tonnes of domestic cargo is transported around our coast by sea (short sea shipping).

Accordingly, by facilitating modal shift, ABP helps to remove lorries from the UK’s congested road network, contributing to a more robust and efficient transport network

Port of Barrow

The Port of Barrow comprises Buccleuch Dock, Cavendish Dock, Devonshire Dock and Ramsden Dock, as well as adjoining port land and facilities located primarily to the north and south of Ramsden Dock (see Appendix A), extending to circa 138 acres (56 ha) in total, excluding the water area.

The majority of the Port is occupied by ABP and a range of third party port related operators. It is the home of BAE Systems’ submarine design and manufacturing facility and plays a key role in serving the offshore energy industry that has seen this region described as Britain’s ‘Energy Coast’. The A590 connects the Port to the M6, with a direct connection to the national rail network also available at the Port.

The Port handles around 300,000 tonnes each year and specialises in short sea shipping with a variety of specialist cargos and a range of bulk aggregates handled in recent years. More specifically, the main operations at the Port include the following:

- Dry bulks and forest products
- Liquid bulks
- Offshore wind, oil, and gas energy
- Passengers and cruises
- Specialised facilities

ABP has also facilitated the construction of publicly accessible walkways on its landholdings along the north of Buccleuch Dock, as well as around Cavendish Dock, to assist the regeneration of the wider Barrow Port Area.

Future Developments Aspirations

As part of the Government’s national energy strategy to combat climate change and secure the nation’s energy supply, West Cumbria has been identified as having the potential to deliver a critical element of this strategy. More specifically, Britain’s ‘Energy Coast’ was established in 2009 with the mission of transforming West Cumbria into a diverse, resilient and low carbon economy. Building on existing strengths, the aim is to provide businesses with the support and infrastructure they need to capitalise on potential investments in the local nuclear industry and exploit opportunities in

high-growth clean technologies such as solar, wind and biofuels.

The Port of Barrow is well placed to assist with the proposed significant future growth in renewable and low carbon energy technologies in West Cumbria. This could include facilitating the import of raw materials to be used for on shore energy generation (both within and outside the Port), as well as supporting off shore energy generation e.g. development of Operation and Maintenance and Construction bases for these at the Port.

Further to the above, as acknowledged by National Policy, as an Island economy the UK is increasingly dependent on the import and export of goods and there are few alternatives available other than sea transport. The alternatives that are available (rail and air transport) are constrained in terms of capacity of rail links through the channel tunnel and the cost and environmental disadvantages of aviation. As a consequence, the UK's ports will continue to play an integral role in the movement of the vast majority of freight into and out of the country, with the Port of Barrow role as a short sea shipping port expected to increase going forward.

The Port of Barrow is also anticipated to play an important role in the following projects in the surrounding area going forward:

1. BAE System's Successor nuclear submarine deterrent programme, including the following:
 - a) The import of materials and equipment through the Port;
 - b) Short term lease agreements for overflow car parking and storage; and
 - c) Works to increase the depth of the water to in order to facilitate the movement of the new submarines.
2. The proposed new Moorside Nuclear Power Station adjacent to Sellafield, with materials and equipment expected to be imported via the port to facilitate construction.
3. National Grid's North West Coast Connections Project to service the proposed new Moorside Nuclear Power Station, with the importation of materials and equipment through the port anticipated in connection with National Grid's proposed route for new power cables at Morecambe Bay in connection with this project

Notwithstanding the above, ABP's land holdings at the Port of Barrow were significantly reduced as part of the sale of Port land in 2006 to facilitate the regeneration proposals set out in the Barrow Port AAP. More specifically, approximately 29.6 ha (73.3 acres) was sold to Cumbria County Council for the development of the Waterfront Business Park, with a further 7 ha (17.2 acres) sold to Barrow Borough Council to facilitate the Marina Village development proposals.

Importantly, land which provided deep water access to the Walney Channel, as well as that located around Ramsden Dock, was excluded from the 2006 sale in order to accommodate future port and port related development at the Port of Barrow. Since 2006 there has been a significant increase in port and port related development at the Port of Barrow, particularly that linked to the large number of offshore wind farms that have been, and are proposed to be, developed in the Irish Sea e.g. Operations and Maintenance bases and Construction and Storage bases at the Port. This has resulted in land take up which is considerably more than anticipated at the time of the 2006 land sale, creating increased pressure in terms of accommodating future development needs on the land that remains at the Port of Barrow.

As a result of the above, demand for land at the Port of Barrow, particularly where this has direct deep water access to the Walney Channel (rather than through the Ramsden Dock entrance gates), has increased significantly, and is anticipated to continue to do so going forward. This is due to the 24/7 access provided to the Irish Sea, which is particularly important for Operations and Maintenance bases in order to facilitate the unrestricted access necessary for the emergency repair and regular maintenance work required in connection with the off shore wind farms.

It is clear from the above that the land at the Port of Barrow with existing, or the potential to create, direct deep water access to the Walney Channel is of increasing strategic importance. However, much of the land at the Port of Barrow with existing direct deep water access to the Walney Channel has, however, now been developed, principally to provide Operations and Maintenance bases to serve the offshore wind farms. Accordingly, ABP is currently exploring the development potential of all its remaining port land which offers direct deep water access to the Walney Channel. These development opportunities include the following:

1. Deep water facilities to support large scale construction requirements.

2. Channel side pontoon facilities to support both servicing and commissioning, as well as the long term operation and maintenance requirements associated with the anticipated growth in the burgeoning offshore energy sector.

ABP is looking to progress development schemes within the short, medium and longer term, which will be vital to the Port of Barrow, as well as the local and wider regional economies given the significant economic benefits that will result. As an example, Operation and Maintenance bases referred to above typically create in the region of 50 jobs each, with a significant number of these being of a highly skilled nature. Importantly, these bases also facilitate the continued generation of renewable energy.

ABP is also considering other opportunities for port and renewable energy related development across the remainder of the Operational Port Area, including at Cavendish Dock.

It is clear from the above that demand for the use and development of the land at the Port of Barrow is anticipated to remain high in the short, medium and longer term, particularly for the land fronting the Walney Channel, and therefore having deep water access.

Pursuant to the above, ABP is currently preparing a Master Plan for the Port of Barrow based on anticipated future development requirements up to 2047. These include a number of major developments likely to be brought forward either by ABP or development partners. These developments will play an important role in the future growth and development of the Port of Barrow, with the Master Plan being prepared in part to assist local and regional planning bodies and transport network providers in preparing and revising their development strategies.

Representations

ABP's representations to the Barrow Local Plan Pre-Submission Draft relate to the identification of, as well as the policies and paragraphs linked to the Operational Port Area, as set out in more detail below.

Notwithstanding ABP's previous representations to the Barrow Local Plan, the Pre-Submission Draft does not identify the Port of Barrow on the Policies Map. The Council's reasoning for this is reproduced below:

"...given the importance of the port and its sensitive location in terms of ecology, any proposed changes to allocation boundaries and policies in the BPAAP (Barrow Port AAP) should be dealt with through a specific BPAAP Review document rather than the Local Plan. Having said this, the new Local Plan contains a number of paragraphs regarding the port and the title of policy EC1 has been amended to refer to the port for strategic emphasis on the operational role of the Port. Amending the boundaries of BPAAP at this late stage in the plan process would cause considerable delay and the Council is open to discussions with ABP and companies such as DONG regarding the suitability of uses outside port retained land allocations."

Policy EC1 of the new plan has been amended in response to ABP's representations to include support for "proposals seeking to expand the Port of Barrow and its role in supporting the development of the 'Energy Coast'". However, this support is "subject to proposals meeting the criteria set out in the Barrow Port Action Area Plan Document (2010) as periodically reviewed".

The Council is therefore proposing that the allocations and policies relating the Port of Barrow in the 2010 Barrow Port AAP are reviewed and reassessed through a subsequent full Review of the AAP, rather than as part of the Local Plan. The reasoning for this includes the suggestion that doing so as part of the Local Plan "would delay its adoption by a number of years (due primarily to the need for additional evidence base studies)".

Whilst the Council's response is noted, ABP maintains its **strong objection** to the Barrow Local Plan on the basis that it is 'unsound' unless amendments are made to identify the Port of Barrow on the Policies Map and provide policy support for its continued operation and future growth. The reasoning for this summarised below:

i. Port of Barrow 's Strategic Importance, National Policy Support & Future Development

The Port of Barrow plays a vital role in both attracting new investment to, and creating jobs within, the local and wider regional economies, and will continue to do so going forward. The Port also facilitates new energy generation (including from renewable and low carbon sources), as well as the more sustainable movement of goods by sea and rail rather than road. It is clear from this that the Port is a strategically important UK Port and transport hub which makes important economic, social and environmental contributions to the local and wider regional areas.

Furthermore, paragraphs 3.3.1 and 3.4.12 the NPSP (see summary above) make clear that it is the port industry and port developers who are best placed to make decisions about where and when to invest in the port sector in response to market demand. Paragraphs 33 and 153-158 of the NPPF (see summary above) also make clear the need for Local Plans to support economic growth, including ports, as well as taking “full account of relevant market and economic signals”.

As set out above, ABP is preparing a Master Plan based on the anticipated future development requirements at the Port of Barrow up to 2047, including the development proposals set out above under ‘Future Development Aspirations’. These proposals are integral to ABP’s intentions to continue to plan for, and invest in, the future development of the Port of Barrow, and will be vital to:

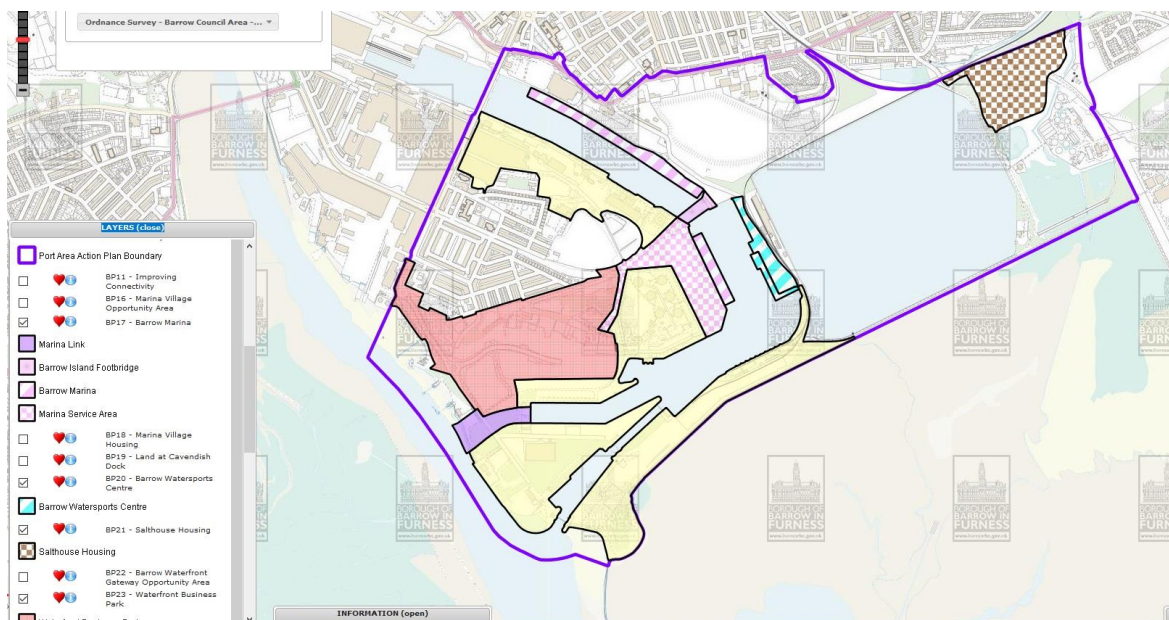
- Securing its future as a key UK port and transport hub, a gateway to international trade and an important generator of new investment and skilled job creation;
- Assisting in meeting the national need for additional port capacity and renewable energy generation; and
- Enabling the Port to continue to facilitate new renewable and low carbon energy generation, as well as the more sustainable movement of goods by sea rather than road.

In light of the above, it is vital that the Barrow Local Plan identifies the Port of Barrow on the Policies Map and includes a policy linked to this to support the continue operation and future development of the Port of Barrow, rather than deferring this to a future review of the Barrow Port AAP for the reasons discussed below.

ii. Areas of the Port of Barrow Excluded from Barrow Port AAP Allocation

The allocation of the Port of Barrow in the Barrow Port AAP is incorrect as it does not include all of ABP’s land within the Operational Port Area (as edged red on the plan at Appendix A). More specifically, the areas of the Port which are excluded include the following:

- ABP’s land to the north west of the Port of Barrow fronting the Walney Channel, which is not shaded yellow on the extract from the Council’s online Proposals Map below (including the previously proposed Marina Link - shaded purple), and which has been identified by ABP as vital to meeting the anticipated current and future development requirements at the Port. This is because these areas are the only remaining areas of the Port with direct deep water access which is vital to support future development related to the offshore wind farm developments in the Irish Sea.
- ABP’s land adjoining Cavendish Dock which is also not shaded yellow on the extract from the Council’s online Proposals Map below but, excluding ABP’s land which has been included as part of the proposed Salhouse Mills Opportunity Area allocation (OPP3) in the Local Plan which ABP support and request this is taken forward



Extract from the Council's online Proposals Map

- c) Parts of the Centrica / Hydrocarbon Resources gas condensate storage facility, as the existing allocation does not include all of the land owned by ABP (and leased to Centrica / Hydrocarbon Resources for the terminal facility).
- d) ABP's land adjoining Devonshire Dock which is outside the Barrow Port AAP boundary and currently leased to BAE Systems.

As a consequence, proposals for future port related development on these areas would not be supported by the Barrow Port AAP (see iii. below).

iii. Deficiencies of Existing and Proposed Policies in Relation to the Port of Barrow

The proposed amendments to Policy EC1 of the Barrow Local Plan are reproduced below:

"...In addition, proposals seeking to expand the port and its role in supporting the development of the 'Energy Coast' will be supported subject to proposals meeting the criteria set out in the Barrow Port Action Area Plan Document (2010) as periodically reviewed.

Policy BP 8 (Economic Viability of Port Operations) of the Barrow Port AAP provides specific guidance on the ongoing operation and development of the port and is reproduced below:

"The ongoing operation and development of the commercial port as part of the mixed-use approach to the regeneration of the Action Plan Area will be supported by:

- 1) ensuring development proposals do not impede the operational requirements or prejudice the economic viability of the port; and*
- 2) protecting current and future port operations by safeguarding port related employment land, as identified on the Proposals Map (55.18 ha) for such uses."*

It is therefore considered that without further changes to the Barrow Local Plan in respect of the Port of Barrow, it cannot be found to be positively prepared, justified, effective or consistent with National Policy. More specifically, the Local Plan would not support the continued operation and future development of the Port of Barrow, with proposals for port and port related development not supported which are either:

1. Not linked to the 'Energy Coast' – albeit ABP welcomes the support for development linked to the 'Energy Coast' at the Port of Barrow; or
2. Located on the land at the Port of Barrow not allocated in the Barrow Port AAP (see ii.a)-d) above) – a particular issue given this does not include the land fronting the Walney Channel which, as set out above, will be vital to the future development of the Port due to its direct deep water access.

Furthermore, the proposed amendments to Policy EC1 and the Policies within the Barrow Port AAP do not provide clear safeguards for the land at the Port of Barrow which is not allocated in the Barrow Port AAP (see ii. a)-d) above). ABP's concerns relate to ongoing economic changes which are resulting in regeneration proposals being brought forward for alternative uses on land adjoining Ports across the UK which was previously used for industrial and port related uses.

ABP has no objection to the principle of this or the proposed Marina Village development. However, if not correctly designed, the development of residential and other sensitive uses on land adjacent to the Port of Barrow could result in restrictions being introduced on existing and future operations due to complaints from future occupants / users, which could be detrimental to the future of the Port. This could potentially include the development of the proposed Marina Village or 'windfall' development of other uses

In summary of the above, given the strategic importance of the Port of Barrow, it is requested that as well as the identification of the Port on the Policies Map of the new Local Plan, either a new Policy is included or amendment is made to EC1, setting out clear support for port related development across the whole of the Port. A specific provision should also be included which requires the potential impact of operations at the Port (e.g. noise, dust, etc.) on the new development proposed outside the Operational Port Area, to be fully assessed as part of any

future planning application and, where necessary, mitigation provided as part of the new development.

iv. Identification of the Port on the Policies Map would not Significantly Delay Local Plan Adoption

The majority of the Port of Barrow is allocated as 'Land Retained for Port Related Use and Development' in the Barrow Port AAP, with the land excluded (referred to under ii.a)-d) above) all part of the existing Operational Port Area.

Accordingly, provided the new identification of the Operational Port Area on the Policies Map is linked to an appropriately worded policy which includes necessary caveats / safeguards, there appears to be no reason why the identification of the Operational Port Area on the Policies Map could not be included as part of the Main Modifications to the Local Plan. The Main Modifications could then be consulted on following the Examination, without the need for additional surveys / evidence base studies or causing any significant delay to the adoption of the Local Plan.

It should also be noted that ABP's original representations to the Barrow Local Plan Issues and Options in October 2014, clearly set out a request for the allocation of the Port of Barrow in the new Local Plan, with further requests set out in ABP's subsequent representations to the Preferred Options and Publication Drafts. Accordingly, the current stage of the Local Plan should not be considered a reason not to identify the Port of Barrow on the Local Plan Policies Map.

v. Timescales for full Barrow Port AAP Review

The Council's response to ABP's representations to the Publication Draft makes clear that the review of the Barrow Port AAP, proposed to deal with new allocations and policies relating to the wider Barrow Port area, will require a significant amount of work over a number of years before it can be adopted. The Council state this is primarily due to the need for new evidence base studies which will take time to complete before the AAP can be progressed.

Accordingly, there is no guarantee that a revised Barrow Port AAP could even be adopted in the next 5 years. Given this, the strategic importance of the Port, as well as its incorrect existing allocation and deficiencies of the policies relating to it (see i.-iii. above), these issues should be dealt with as part of the new Local Plan to ensure it can be found to be sound, rather than delayed for a number of years as part of a full review of the AAP. The full review of the Barrow Port AAP could still follow the adoption of the Local Plan and pick up on the large number of other policies and allocations relating to the wider Barrow Port area.

vi. Other Barrow Port AAP Land Allocations Identified on Local Plan Policies Map

Other land allocated within the Barrow Port AAP, including the Waterfront Business Park, Marina Village and Salthouse Mills, are identified on the new Local Plan Policies Map. Accordingly, given the strategic importance of the Port of Barrow to the local and wider regional areas and National Policy support for its continued operation and future growth, the Port should also be identified on the Local Plan Policies Map in order for it to be found to be sound.

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

6. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the tests you have identified in question 3 where this relates to soundness.

Please say why you consider the change(s) will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Pursuant to the above, it is requested that the following amendments are made to the Barrow Local Plan:

1. Identification of the Port of Barrow on the Policies Map

It is requested that all of the land within ABP's ownership at the Port of Barrow (within the area outlined red on plan 1 at Appendix A) is identified on Policies Map of the Local Plan as 'Port Area' or similar to support the development of port related uses within this. This includes the land currently allocated as 'Land Retained for Port Related Use and

Development' in the Barrow Port AAP, as well as ABP's other land as summarised below:

- a) ABP's land to the north west of the Port of Barrow fronting the Walney Channel, which is not shaded yellow on the extract from extract from the Council's online Proposals Map above (including the previously proposed Marina Link - shaded purple), and which has been identified by ABP as vital to meeting the anticipated current and future development requirements at the Port due to its direct deep water access. In support of this change it should be noted that the option agreement for the development of the Marina Link on the land allocated in the Barrow Port AAP expired in 2010 demonstrating that this is unlikely to be deliverable.
- b) ABP's land adjoining Cavendish Dock which is also not shaded yellow on the extract from the Council's online Proposals Map above, but excluding ABP's land which has been included as part of the Salthouse Mills Opportunity Area allocation (OPP3) which ABP support and request this is taken forward
- c) Parts of the Centrica / Hydrocarbon Resources gas condensate storage facility. More specifically, although the majority of this facility is allocated as 'Land Retained for Port Related Use and Development' in the Barrow Port AAP, it is requested that the extent of the Port of Barrow identified on the Policies Map of the Barrow Local Plan is amended to include all of the land owned by ABP (and leased to Centrica / Hydrocarbon Resources for the terminal facility).
- d) ABP's land adjoining Devonshire Dock which is outside the Barrow Port AAP boundary and currently leased to BAE Systems.

This identification of the Port of Barrow on the Policies Map is important in order to firmly establish the area within which port and port related development will be supported in accordance with National Policy, both through the implementation of ABP's Permitted Development Rights and also where planning permission or other consent is required. It will therefore support the continued operation and future growth of the Port of Barrow, as well as new investment and job creation associated with the future expansion of / development at the Port, including in relation to offshore wind developments in the Irish Sea.

2. Port Policy

It is requested that Policy EC1 is replaced by two policies - one which deals with the Waterfront Business Park Strategic Employment Area, and one which deals specifically with the Port of Barrow. The Port policy should be linked to the identification of the Port of Barrow on the Policies Map requested above, with the aim of safeguarding and supporting the continued future operation and development of the Port of Barrow. Suggested wording is set out below, in line with that recently agreed with the Councils, Natural England, the RSPB and local wildlife trusts in relations to ABP's Ports at Hull, Grimsby and Immingham as part of the Examination of the Hull and North East Lincolnshire Local Plans, as well as retaining part of the Council's current proposed Policy EC1 wording in relation to the 'Energy Coast':

"Within the Port Area identified on the Policies Map, development proposals for port and port related use, including those linked to the 'Energy Coast', will be supported and where appropriate approved by the Council if the submitted scheme accords with other relevant policies in the Local Plan, and can pass the tests of the Habitat Regulations. Areas that benefit from existing or potential access from deep water will be protected for port and port related uses.

Any proposals for new development on land in close proximity to the Port Area will be required to fully assess the potential impact on the Port of the proposed use and where necessary, provide any mitigation as part of the new development."

These policy amendments are important to assist in supporting and safeguarding the continued operation and future growth of the Port of Barrow. The changes will also ensure the Local Plan is in line with the approach taken by other Local Authorities in their Local Plans (including Hull and North East Lincolnshire), as well as National Guidance and Law, therefore ensuring the Local Plan meets the tests of soundness. In particular, paragraphs 3.3.1 and 3.4.12 the NPSP (see summary above) make clear that the port industry (of which ABP is an integral part) should take the lead in terms of the location of future port development. It is, however, important that Barrow Local Plan supports this also. Accordingly, as well as ensuring compliance with the NSPS, the requested changes will ensure the Barrow Local Plan is in line with paragraphs 33 and 153-158 of the NPPF (see summary above) and can therefore be

found to be sound.

3. Paragraphs 2.4.32, 3.3.10-3.3.13, 4.7.1, 5.5.1, 6.1.14-6.1.21, 6.3.8-6.3.11, 6.2.13, 6.2.14 6.4.1 and 6.4.2

It is requested that Paragraphs 3.3.10-3.3.13, 6.1.14-6.1.21 and 6.3.8 to 6.3.11, which relate to the Port of Barrow are redrafted to ensure these reflect the proposed revised policy and identification of the Port on the Policies Map requested above, as well as a strategy for the future development of the Port of Barrow.

It is also requested that these and other paragraphs of the Local Plan are amended to set out up to date information relating to the Port of Barrow and other matters as set out below:

- 2.4.32 – Suggested amendment of the reference to the port ‘currently’ being operated by ABP to ‘is operated by...’ as this currently suggests a lack of permanence both in the past and the future.
- 2.4.32 – Suggested amendment of reference to ‘BNFL’ to ‘INS’.
- Page 30 – ABP would be happy to provide a more recent aerial photo to be used.
- 4.7.1 – Suggested amendment of the reference to the ‘economy of Barrow is built on the heavy industries of iron and steel’ to ‘economy of Barrow was built on...’
- 5.5.1 – Suggested inclusion of reference to the dependence of a very significant part of the Furness economy on the port for communication, not just road and rail.
- 6.1.15 and page 95 – Request that the reference to 160m length vessels and National Powerboat races being held in the Port are removed as this is out of date – it is 10 years since one took place at Barrow.
- 6.1.15 – Request that the reference to the size of the port being 138 acres in size be amended to make clear this area excludes the water area of the Port.
- 6.1.15 – Suggested inclusion of additional text relating to the importance of the port in the transport links to the local industrial economy, as well as to Sunrise Renewables’ proposed port related biomass energy plant on the land to the north of Anchor Line Basin.
- 6.1.16 – The annual tonnage handled at the Port of Barrow needs updating
- 6.2.13, 6.2.14 and 6.4.1 – These statements are out of date and need updating
- 6.4.2 – The reference to the South Morecambe Gas terminal needs to be revised as it is due to be demolished

ABP is happy to assist the Inspector and / or the Council with the wording of this if required in due course.

6. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

Yes	X	No	
I wish to participate		I do not wish to participate	

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

To discuss the changes sought with the Council and Inspector

Please attach any additional documentation you consider necessary to support your representation.

Submitting your representation

In order to be valid you must complete both Part A and Part B of the representation form and return them to the Planning Policy Team via email or post.

- E-mail: developmentplans@barrowbc.gov.uk
- Post to: Planning Policy, Barrow Borough Council, Town Hall, Duke Street, Barrow-in-Furness, Cumbria, LA14 2LD

Please note that representations cannot be kept confidential but all responses will be held by the Council in accordance with the Data Protection Act 1998. All representations received and any information provided will be open to public scrutiny including publication on the Council's website.

Personal information (such as your address or email address) will remain confidential. However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process. By submitting this form you are agreeing to the above.

If you have any queries regarding the consultation process please do not hesitate to contact the Planning Policy Team on 01229 876341.

Appendix ii January 2018 Representations



Representation Form

Part A

For office use only		
Consultee Ref:		Date Received
Representation Ref:		

Barrow Borough Council

Regulation 19 Consultation: Submission Draft Local Plan

Consultation on Proposed Major Modifications – December 2017

The consultation period on the Major Modifications (to the Plan) will run from **Friday 8th December 2017 to 5pm on Wednesday 24th January 2018**. The consultation documents can be viewed on our website <http://www.barrowbc.gov.uk/residents/planning/planning-policy/>

How to use this form

1. Please note: comments can only be accepted if they relate to the Major Modifications to the Plan, referenced MAJ1 to MAJ27 on the Schedule of Major Modifications.
2. Please complete Part A in full.
3. Then complete Part B for **each modification** that you wish to comment on e.g. MAJ1.

Personal Details

Person(s) or organisation submitting comments	
Name	
Organisation (if applicable)	Associated British Ports
Address	Port Office
	Ramsden Dock Road
	Barrow-in-Furness
	LA14 2TW
Tel. No.	
Email	


Agent (if applicable)	
Name	Alex Willis
Organisation	BNP Paribas Real Estate
Address	Fountain Precinct
	Balm Green
	Sheffield
	S1 2JA
Tel. No.	0114 263 9210
Email	alex.willis@bnpparibas.com

In order to be valid you must complete both Part A and Part B of the representation form and return them to the Planning Policy Team via email or post.

- E-mail: developmentplans@barrowbc.gov.uk
- Post to: Planning Policy, Barrow Borough Council, Town Hall, Duke Street, Barrow-in-Furness, Cumbria, LA14 2LD

Please note that representations cannot be kept confidential but all responses will be held by the Council in accordance with the Data Protection Act 1998. All representations received and any information provided will be open to public scrutiny including publication on the Council's website.

Personal information (such as your address or email address) will remain confidential. However, your contact details will be shared with the Programme Officer and Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process. By submitting this form you are agreeing to the above.

Signature		Date	24 January 2018
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For further information regarding this form or the consultation process, please contact 01229 876341.



Representation Form

Part B

For office use only		
Consultee Ref:		Date Received
Representation Ref:		

Barrow Borough Council
Regulation 19 Consultation: Submission Draft Local Plan
Consultation on Proposed Major Modifications – December 2017

Please use a separate Part B form for each modification you wish to comment on. Representations must be attached to Part A of the representation form. Please note that we cannot accept anonymous responses.

Please print your name on each separate Part B representation.

Name (Print)	Alex Willis
Organisation	BNP Paribas Real Estate
Date	24 January 2018

1. To which of the 27 Proposed Major Modifications does this representation relate?

Please state clearly the reference number of the modification which you are commenting on from the Schedule of Proposed Major Modifications (e.g. MAJ1)	MAJ	1
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2. Do you consider the Major Modification is legally compliant?

Legally compliant?	Yes	<input checked="" type="checkbox"/>	No	
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3. Do you consider the Major Modification is sound or sound with minor amendments?

Sound?	Yes		No	<input checked="" type="checkbox"/>
Sound with minor amendments?	Yes	<input checked="" type="checkbox"/>	No	

If you have selected 'Yes' to either of the above then please skip question 4 and continue to question 5.

4. If you consider the Major Modification is unsound, on which grounds do you consider the document to be unsound?

Please select as many as you consider apply.

Positively Prepared	<input checked="" type="checkbox"/>
Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>
Consistent with national policy	<input checked="" type="checkbox"/>

5. Please provide details of why you consider the Major Modification is not legally compliant or is unsound. Also if you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

Please be as precise as possible.

Major Modification MAJ1 relates to the amendment of the boundary of the 'Energy Uses Opportunity Area' identified on the Proposals Map to now include the decommissioned South Morecambe Bay Gas Terminal and the demolished Roosecote Power Station which are the subject of draft Policy EC7. The reason stated for this amendment is '*To acknowledge the potential of the sites for future exploration, production, generation and transmission of energy and related activities*'.

ABP objects to this modification on the basis that it is not the only amendment that should have been made to areas identified on the Proposals Map in this part of the Borough. Additional changes to the Proposals Map (and accompanying policies) should also have been made in respect of the adjacent Port of Barrow which, amongst various other things, is a site that also has potential for '*future exploration, production, generation and transmission of energy and related activities*'.

Previous representations submitted to the Pre-Submission Draft Barrow Local Plan in July 2017 set out in detail ABP's view of the changes that are required in respect of the Port of Barrow in order to make the plan sound. As part of explaining the need for the changes required, the strategic importance of the Port of Barrow was evidenced. In doing this, the key role the Port plays in terms of current and future energy generation and transmission was, amongst other aspects, identified. In summary, the Port is significant in this regard because:

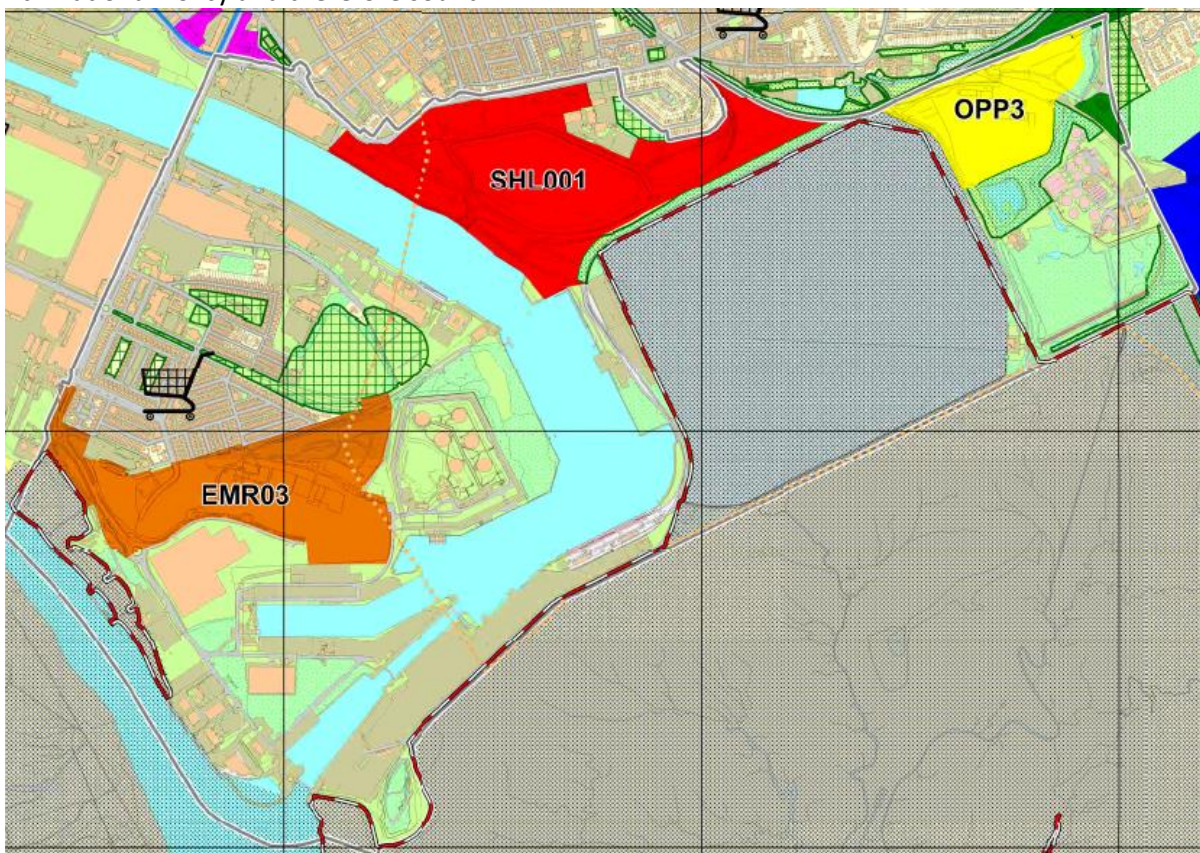
1. it plays a key role in serving the offshore energy industry that has seen this region described as Britain's Energy Coast;
2. it already supports the generation and transmission of energy, including International Nuclear Services materials transport terminal, Centrica's gas condensate storage and shipping facility and Operations and Maintenance bases to serve the offshore wind farms in the Irish Sea; and
3. it is anticipated to play an increasingly important role in other energy generation and transmission projects going forward, including the offshore energy developments in the Irish Sea, the proposed new Moorside Nuclear Power Station and National Grid's North West Coast Connections Project.

ABP's July 2017 representations objected to the Pre-Submission Draft Barrow Local Plan on the basis it was unsound as it did not identify the boundary of the Port of Barrow on the Proposals Map and then include a policy linked to this which supports its continued operation and future growth, including where this relates to energy generation and transmission. As the Submission Draft Barrow Local Plan has, rather disappointingly, not been modified in any way to include these provisions, it remains unsound in that it is not positively prepared, justified, effective or consistent with National Policy. The reasons for this are set out in more detail in ABP's July 2017 representations, but for ease of reference are summarised below:

- i. The Port of Barrow is a strategically important transport hub which also plays a vital role in attracting new investment, creating jobs and supporting energy generation and transmission, with a number of opportunities for future development at the Port currently being considered, which should be supported by the Barrow Local Plan, in line with National Policy.
- ii. The emerging Local Plan, in respect of the Port of Barrow, seeks to rely upon the position set out in the Barrow Port Area Action Plan (AAP). Adopted in 2010, this document is now outdated and inaccurate in many respects and was produced prior to the publication of the National Planning Policy Framework and the National Policy Statement for Ports in 2012.
- iii. The current identification of the Port of Barrow, in particular, in the Barrow Port AAP is inaccurate as it does not include all of ABP's port estate (as edged red on the revised plan now provided at Appendix A), meaning that proposals for future port and port related development on these areas would not be supported by the Barrow Port AAP or the Barrow Local Plan.
- iv. Policy EC1 of the Submission Draft Barrow Local Plan and Policy BP8 (Economic Viability of Port Operations) of the Barrow Port AAP, which would be used to determine applications for planning permission if the Submission Draft

Barrow Local Plan is adopted as currently drafted, are deficient as, amongst other things, they would not support proposals for port and port related uses which are either:

- a) Not linked to the 'Energy Coast' – albeit ABP welcomes the support for development linked to the 'Energy Coast' at the Port of Barrow in Policy EC1; or
 - b) Located on those parts of ABP's port estate which are not allocated in the Barrow Port AAP – a particular issue given this includes the land fronting the Walney Channel which will be vital to the future development of the Port due to its direct deep water access.
- v. The Council's reasoning for not identifying the Port of Barrow correctly on the Proposals Map and providing a suitably worded policy in the plan – which relates to concerns that such changes would significantly delay adoption of the Local Plan – is not correct. The identification of the boundary of the Port of Barrow would merely be reflecting ABP's existing port estate and, provided this is linked to an appropriately worded policy which includes necessary caveats / safeguards to control future development, there appears to be no reason why these changes could not easily be made either prior to or during the Local Plan Examination, and therefore not significantly delay adoption.
- vi. The Council's proposal to deal with any proposed changes to the allocation boundaries and policies in the Barrow Port AAP through a subsequent separate review of this document (rather than in the Local Plan) would result in a significant delay before the incorrect existing allocation and policy deficiencies would be addressed, which is considered unsound given the strategic importance of the Port and National Policy support for its continued operation and future growth.
- vii. It is noted that other areas allocated within the Barrow Port AAP, including the Waterfront Business Park (EMR03), Marina Village (SHL001) and Salthouse Mills (OPP3), have been identified – and in some instances amended - on the Submission Draft Barrow Local Plan Proposals Map (see extract below). As such, there appears to be no reason why the boundary of the Port of Barrow should not also be identified correctly on the Proposals Map to ensure it is in line with National Policy and therefore sound.



Extract from Submission Draft Barrow Local Plan Proposals Map

The revised red line boundary shown on the plan at Appendix A also includes ABP's land to the north east of Cavendish Dock which is included within the proposed Salthouse Mills Opportunity Area (ref. OPP3) identified on the Submission

Draft Barrow Local Plan Proposal Maps. This area is excluded from the Salthouse Mills Housing allocation identified on the current adopted Barrow Port AAP Proposals Map.

Whilst ABP's July 2017 representations supported the inclusion of the land to the north east of Cavendish Dock within the Salthouse Mills Opportunity Area, ABP can no longer support this. The reason for this is it has been identified that future maintenance will be required to the Cavendish Dock embankment in this area and ABP will need the land and access to facilitate this and other port and port related operations going forward. ABP's land to the north east of Cavendish Dock should therefore be excluded from the extent of the Salthouse Mills Opportunity Area (ref. OPP3) identified on the Submission Draft Barrow Local Plan Proposal Maps to ensure this can be found to be deliverable and therefore sound.

In addition, due to the potential interaction between the Port Area, the Energy Uses Opportunity Area and adjacent nature conservation sites, consideration has been given to the wording of Policy N3 (Protecting Biodiversity and Geodiversity) as currently drafted in the Submission Draft Barrow Local Plan. ABP appreciates that this point does not necessarily relate specifically to one of the major modifications now being published, but raise the following points with a view to assisting the Council.

Having examined the wording of emerging policy N3 in the submission draft, it would appear to be unsound because the tests and requirements set out in this emerging policy (under the sub-heading 'Designated Biodiversity and Geodiversity sites') do not appear to accord with relevant national policy and legislation. The emerging policy, therefore, sets out tests and requirements which are arguably more onerous than those in national policy and legislation.

By way of example, in respect of nationally important sites – such as SSSIs - the policy does not appear to accurately reflect the requirements of paragraph 118 of the National Planning Policy Framework (NPPF). Bullet 1 of this NPPF paragraph makes it clear that it is in circumstances where 'significant harm' is being caused in terms of biodiversity matters by development (not simply an adverse effect as indicated in the emerging policy) that consideration should be given to issues such as locating the development on an alternative site. Furthermore, this part of the NPPF goes on to make it clear that the possibility of utilising an alternative site with less harmful impacts is but one of three options available for addressing such 'significant harm' to allow planning permission to be granted. The other options set out are the possibility of adequately mitigating the harm being caused or, as a last resort, compensating for the harm caused. Emerging policy N3 does not appear to be suggesting these as different options, but rather seems to be suggesting that they all must be carried out.

In terms of development likely to have an 'adverse effect' on a SSSI, bullet 2 of NPPF paragraph 118 makes it clear that such development should only be consented where the benefits of the development at the site in question outweigh the impacts on the special interest features of the site being adversely affected and any broader impacts on the national network of SSSIs. This position does not appear to be reflected in the emerging policy.

In respect of internationally important sites – such as Natura 2000 sites – relevant legislation makes it clear that it is only in circumstances where the development, following an 'appropriate assessment', is considered to have 'an adverse effect on the integrity' of the site in question (again not simply an adverse effect as the policy suggests) that questions of no alternative sites arise.

The above points are just some examples of why the policy as currently drafted does not appear to conform with national policy or legislation and is, therefore, unsound. As indicated, these points are raised with the aim of assisting the Council and it is considered that the sub section of the policy headed 'Designated Biodiversity and Geodiversity sites' could easily be redrafted accordingly.

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

6. Please set out what change(s) you consider necessary to make the Major Modification legally compliant or sound, having regard to the tests you have identified in question 3 where this relates to soundness.

Please say why you consider the change(s) will make the Major Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons set out in more detail in section 5 above and in ABP’s July 2017 representations, in order to be sound the Barrow Local Plan must identify the correct boundary of the Port of Barrow on the Proposals Map as ‘Port Area’ or similar. The Local Plan should also include a policy linked to this identification of the Port of Barrow which supports its current and future use and development for port and port related purposes, including such uses relating to energy and related activities.

In respect of the identification of the correct boundary of the Port of Barrow on the Proposals Map, this is shown edged red on the plan at Appendix A, being a large part of ABP’s port estate. This comprises the area currently allocated as ‘Land Retained for Port Related Use and Development’ in the Barrow Port AAP and the areas of ABP’s port estate at Barrow which were incorrectly excluded from this area. However, the proposed boundary excludes ABP’s land edged green on the plan at Appendix A which is subject to a long lease to BAE Systems for Devonshire Dock Hall and Shiplift in order to create a logical ‘Port Area’ boundary.

Linked to this identification of the correct boundary of the Port of Barrow, and for the reasons set out in section 5 above, ABP’s land to the north east of Cavendish Dock – which is included within the red line boundary shown on the plan at Appendix A – should be excluded from the proposed Salthouse Mills Opportunity Area (ref. OPP3) identified on the Barrow Local Plan Proposal Maps. In support of this requested change, it should be noted that ABP’s land to the north east of Cavendish Dock is excluded from the Salthouse Mills Housing allocation shown on the current adopted Barrow Port AAP Proposals Map.

Turning to the policy linked to the identification of the boundary of the Port of Barrow on the Proposals Map, ABP’s suggested wording is again set out below:

“Within the Port Area identified on the Proposals Map, development proposals for port and port related use, including those linked to the ‘Energy Coast’, will be supported and where appropriate approved by the Council if the submitted scheme accords with other relevant policies in the Local Plan, and can pass the tests of the Habitat Regulations. Areas that benefit from existing or potential access from deep water will be protected for port and port related uses.

Any proposals for new development on land in close proximity to the Port Area will be required to fully assess the potential impact on the Port of the proposed use and where necessary, provide mitigation as part of the new development.”

It is also requested that the text under sub-heading ‘Designated Biodiversity and Geodiversity sites’ of Policy N3 is amended to ensure it conforms to national policy and legislation.

ABP would welcome the opportunity to work with Barrow Borough Council to agree amendments to the Local Plan prior to its submission to the Inspector or alternatively look forward to providing further detail and explanation on the above to the Inspector as part of the examination.

7. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

Yes	X	No	
I wish to participate		I do not wish to participate	

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

This representation relates to matters of importance. It is important that ABP is able to test and explore the unsoundness of the Local Plan in respect of these matters and to discuss the changes sought in more detail with the Council and Inspector.

Please attach any additional documentation you consider necessary to support your representation.

Submitting your representation

In order to be valid you must complete both Part A and Part B of the representation form and return them to the Planning Policy Team via email or post.

- E-mail: developmentplans@barrowbc.gov.uk
- Post to: Planning Policy, Barrow Borough Council, Town Hall, Duke Street, Barrow-in-Furness, Cumbria, LA14 2LD

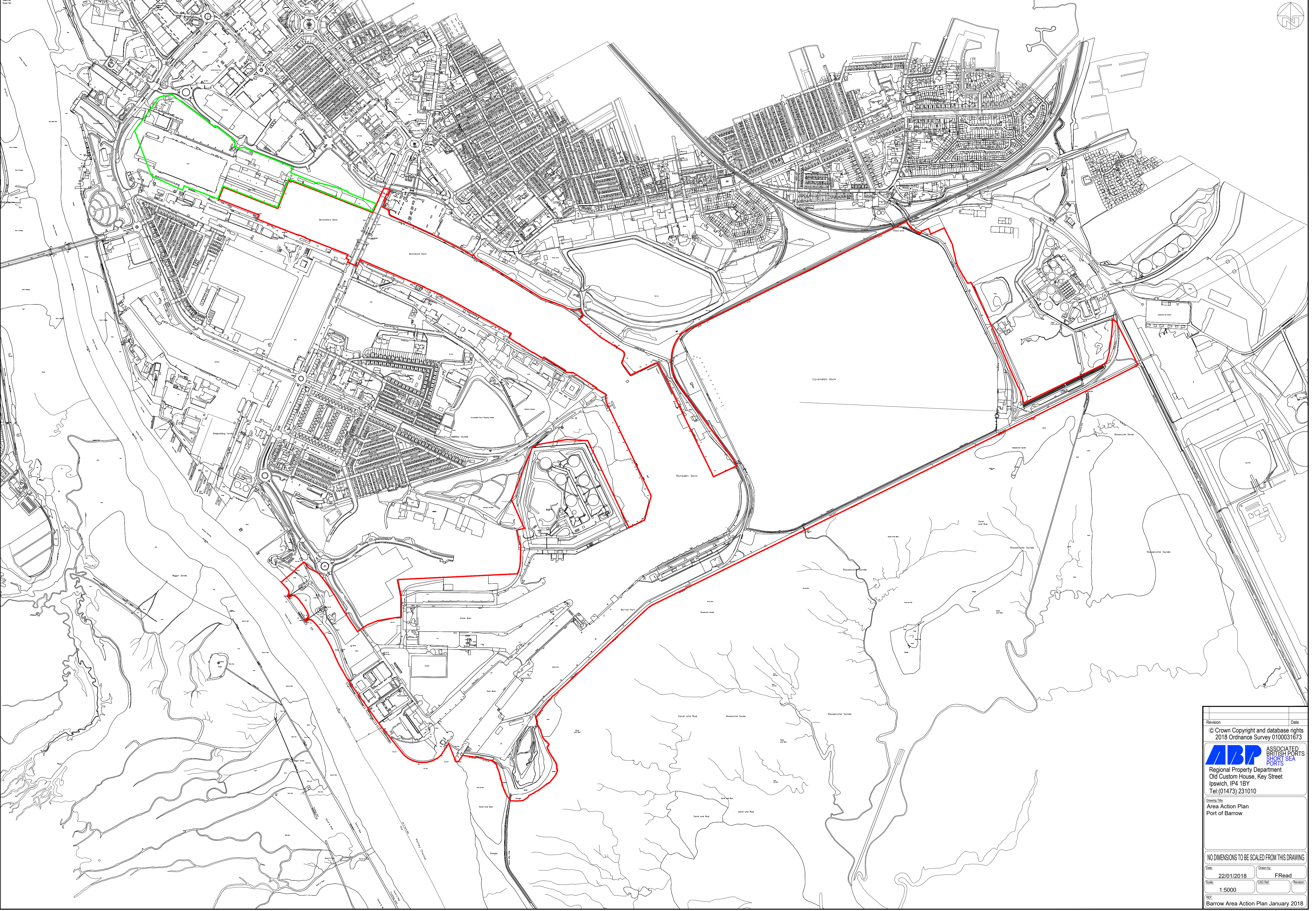
Please note that representations cannot be kept confidential but all responses will be held by the Council in accordance with the Data Protection Act 1998. All representations received and any information provided will be open to public scrutiny including publication on the Council's website.

Personal information (such as your address or email address) will remain confidential. However, your contact details will be shared with the Programme Officer and Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process. By submitting this form you are agreeing to the above.

If you have any queries regarding the consultation process please do not hesitate to contact the Planning Policy Team on 01229 876341.

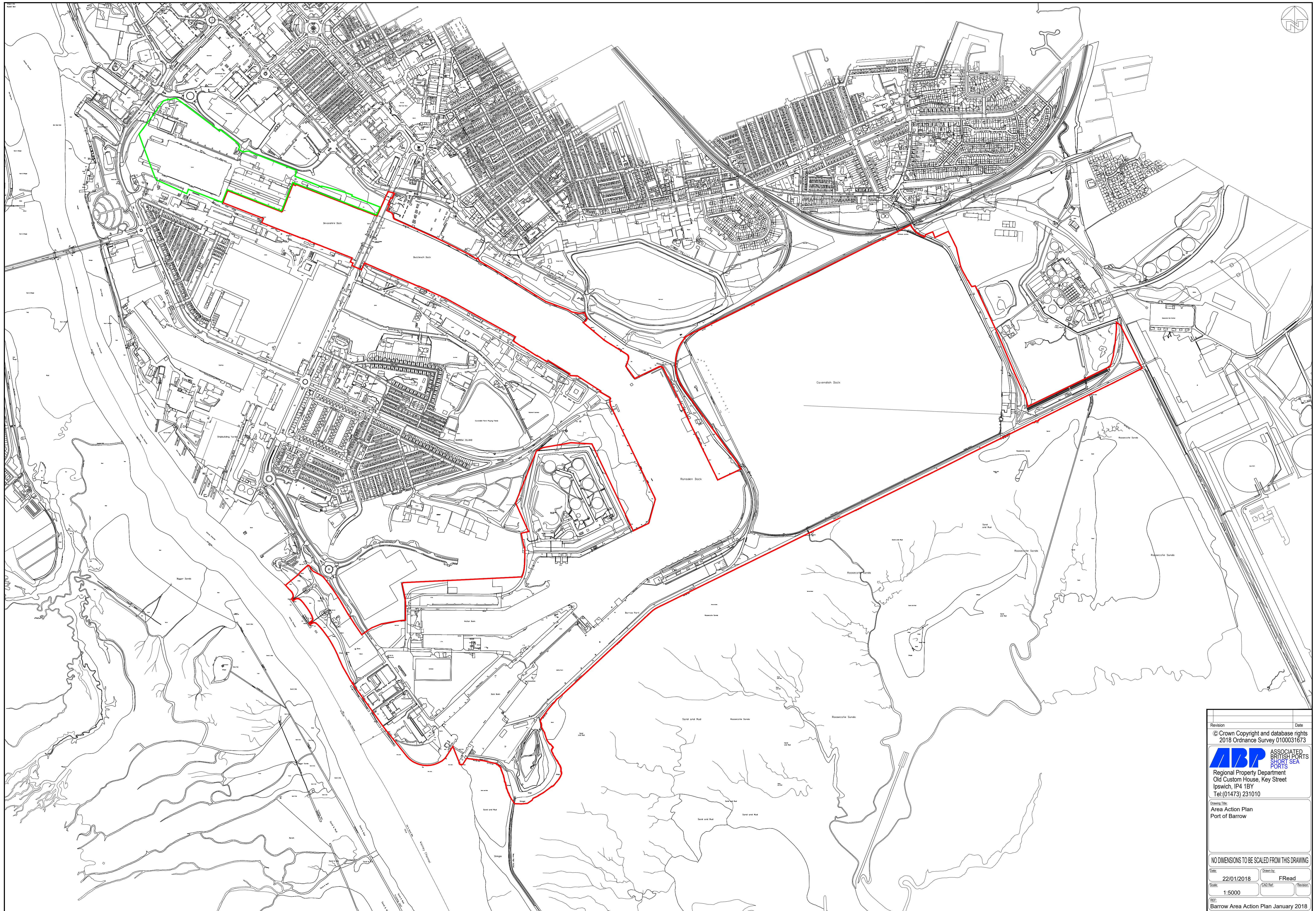
Appendix 1

Port of Barrow boundary plan



Revision	Date
© Crown Copyright and database rights 2018 Ordnance Survey 0100031673	
 ASSOCIATED BRITISH PORTS SHORT SEA PORTS	
Regional Property Department Old Custom House, Key Street Ipswich, IP4 1BY Tel:(01473) 231010	
Drawing Title: Area Action Plan Port of Barrow	
NO DIMENSIONS TO BE SCALED FROM THIS DRAWING	
Date	Drawn by
22/01/2018	FRead
Scale	CAD File
1:5000	
REF: Barrow Area Action Plan January 2018	

Appendix iii Port of Barrow Plan



Revision	Date
© Crown Copyright and database rights 2018 Ordnance Survey 0100031673	
 ASSOCIATED BRITISH PORTS SHORT SEA PORTS	
Regional Property Department Old Custom House, Key Street Ipswich, IP4 1BY Tel:(01473) 231010	
Drawing Title: Area Action Plan Port of Barrow	
NO DIMENSIONS TO BE SCALED FROM THIS DRAWING	
Date: 22/01/2018	Drawn by: FRead
Scale: 1:5000	Checked by: FRead
REP: Barrow Area Action Plan January 2018	